

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed September 8, 2004. At the time of the Office Action, Claims 21-45 were pending in the Application. Applicant amends Independent Claims 21, 31, 36, and 41 and cancels Claim 26 without prejudice or disclaimer. The amendments are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's allowance of Claims 23-26, 28-30, 33-34, 38-39, and 43-44 and the Examiner's indication that the subject matter of these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (See Pending Office Action, p. 4). Note that any amendments in this response that implicate the deemed "allowable subject matter" should not be construed as an agreement with or an acquiescence to the propriety of the purported allowable subject matter as compared to the rejected claims. Applicant earnestly believes all of the pending claims are allowable in their original form. Applicant reserves the right to comment on the appropriateness of the allowed subject matter designation at a future time, should Applicant deem it appropriate to do so.

Section 102 and 103 Rejections

The Examiner rejects Claims 21-22, 31-32, 36-37, and 41-42 under 35 U.S.C. §102(b), as being anticipated by an article entitled "Emerging Network Protocols" (hereinafter "*Aarhus*"). This rejection is respectfully traversed for the following reasons. The Examiner also rejects Claims 27, 35, 40, and 45 under 35 U.S.C. §103(a), as being unpatentable over *Aarhus* in view of U.S. Patent No. 6,594,268 issued to Aukia, et al. (hereinafter "*Aukia*"). This rejection is respectfully traversed for the following reasons.

Applicant has amended the pending Independent Claims such that they now recite subject matter indicated as allowable. In particular, Applicant has incorporated the limitation of Claim 26 into the pending Independent Claims. Therefore, Applicant respectfully submits that all of the pending claims are allowable, as they are patentable over all of the references of record. Notice to this effect is respectfully requested in the form of a full allowance of the pending claims.

ATTORNEY DOCKET NO.
062891.1134

PATENT APPLICATION
10/623,298

9

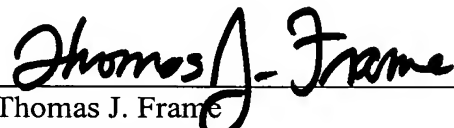
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes that no fee is due. If, however, this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Thomas J. Frame, at (214) 953-6675.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant



Thomas J. Frame
Reg. No. 47,232

Date: October 5, 2004

Customer No. **05073**